

Serial No. 09/929,142  
Docket No. YOR920010068US1  
YOR.270

### REMARKS

Claims 1-6, 15, 17-30, 32-38 and 41 are all of the claims presently pending in the application. Claim 1 has been amended to more clearly define the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

In the Final Office Action dated August 2, 2005, claims 1-19, 31-35, 37 and 38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chefalas et al. (U.S. Patent Application Publication No. 2002/0138786) (hereinafter "Chefalas").

Applicants appreciate the Examiner's indication that claims 20-30 are allowed and that claims 36 and 39-41 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of claims 1-41 are allowable.

In a teleconference with the Examiner conducted on September 8, 2005, Applicants' representative pointed out that in the Amendment filed on August 18, 2005 Applicants merely incorporated the allowable subject matter of claim 40 into independent claim 1. Furthermore, Applicants' representative pointed out that in the Office Action dated August 2, 2005 claim 40 was indicated as allowable, and was not subject to a 35 U.S.C. § 112 rejection. Therefore, the Examiners indication that "Amendment would invoke an 35 USC 112 rejection" in the Advisory Action dated August 31, 2005 was a new ground of rejection, which was not necessitated by Applicants amendment.

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The Examiner agreed with Applicants' representative and indicated that Applicants could file a Supplemental Amendment to overcome the 35 U.S.C. § 112, second paragraph, rejection. The Examiner recommended amending claim 1 to recite, inter alia, "*automatically recovering from said software-induced problem or outage without any communication to a web site and without a transmission of a recovery action to a user*" (emphasis added by Applicants).

Therefore, in view of the present Amendment, Applicants respectfully submit that the Application is in condition for immediate allowance.

Applicants expressly maintain the right to file a Continuation Application directed to the subject matter of the canceled claims.

In view of the foregoing, Applicants submit that claims 1-6, 15, 17-30, 32-38 and 41, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510

Respectfully Submitted,

Date: September 15, 2005



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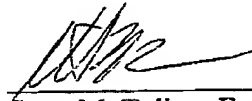
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I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2113, at (571) 273-8300, on September 15, 2005.

Respectfully Submitted,

Date: September 15, 2005



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